

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Semple, et al.	Art Unit	: 1626
Serial No.	: 10/535,345	Examiner	: Susannah Lee Chung
Filed	: February 15, 2006	Conf. No.	: 6159
Title	: TETRAZOLE DERIVATIVES AND METHODS OF TREATMENT OF METABOLIC-RELATED DISORDERS THEREOF		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INTERVIEW SUMMARY

The undersigned representative thanks the Examiner for the courtesy of the Examiner-initiated telephonic interview held on May 20, 2010. The substance of the interview included a discussion of claims 65-67 and the rejection under 35 U.S.C. § 112, ¶ 1. The Examiner suggested cancellation of claim 67 and the terms "solvate" and "hydrate" in claims 65-67. Applicants did not agree to the suggested amendment.

During the interview, the Examiner also indicated that the method of claim 67 was non-enabled because "lowering free fatty acids" was on a USPTO "list" of terms deemed by the Office to be non-enabled. When pressed by Applicants' representative for a reason that "lowering free fatty acids" would be on such a list, the Examiner indicated that the phrase was deemed to be too broad. To date, Applicants have not been provided with this "list".

In the interview, Applicants' representative reiterated the evidence in support of enablement of solvates and hydrates and the method of claim 67 as set forth in Applicants' response filed on April 16, 2010. This evidence included Phase I clinical trials in humans, showing that the single compound in the method of claim 67 did, in fact, lower free fatty acids. As claim 67 covers only a single compound, Applicants' representative maintained that the scope of claim 67 was clearly commensurate with evidence of enablement already of record. However, the Examiner continued to insist that the phrase was "broad" and on the "list" and, therefore, would not be considered enabled by the USPTO.

CERTIFICATE OF MAILING BY EFS-WEB FILING

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: August 31, 2010

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Attorney Docket No.: 22578-0005US1/079.US2.PCT

Applicants have filed a Notice of Appeal herewith in response to the Final Rejection mailed on June 1, 2010.

No fee is believed due. However, please apply any charges or credits to Deposit Account No. 06-1050, referencing attorney docket no. 22578-0005US1.

Respectfully submitted,

Date: August 31, 2010



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